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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/708,526

03/10/2004

Troy Bourgeois

U03-0142-78

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01/23/2009

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EXAMINER

DANIEL JR, WILLIE J

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

01/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/708,526	<b>Applicant(s)</b> BOURGEOIS ET AL.	
	<b>Examiner</b> WILLIE J. DANIEL JR	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to applicant's RCE communication filed on 09 January 2009.

**Claims 1-3** are now pending in the present application and **claims 4-6** are canceled. This office action is made **Non-Final**.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09 January 2009 has been entered.

#### ***Claim Objections***

3. **Claims 1-3** are objected to because of the following informalities:
  - a. Claims 1-3 are improperly labeled as "Currently **Presented**" but each claim includes amended language. The Examiner interprets the claims as --Currently **Amended**-- and suggests clarifying the claim status. See MPEP § 714(II)(C) and 37 CFR 1.121(c).

Appropriate correction is required.

4. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other

issue(s) that are not listed.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wolff et al.**

(hereinafter Wolff) (**US 2004/0121790 A1**) in view of **Urs et al.** (hereinafter Urs) (**US 5,711,011**).

Regarding **claim 1**, Wolff discloses within the infrastructure of a communication system (100) which reads on the claimed “mobile telephone network”, a method of storing and forwarding the content of a conference call (see pg. 2, [0018-0019]; Fig. 1) comprising:

in response to a request by a group member, initiating a conference call on the mobile telephone network among a specified group of communication devices (106) which reads on the claimed “mobile telephone devices” (see pg. 2, [0023]);

recording the conference call within the network infrastructure of the mobile telephone network used to broadcast the conference call in response to a signal from the group member (see pg. 2, [0018-0019]; pg. 5, [0046-0048,0051]; Fig. 3), where the monitors and records communications between members of a group;

storing the conference call on a memory subsystem (208) which reads on the claimed “storage medium” within the network infrastructure used to broadcast the conference call (see pg. 2, [0018-0019]; pg. 4, [0039]; pg. 5, [0047]; Fig. 3),

the conference call being stored as a series of short monologues (e.g., portions), one monologue for each change of speaker (see pg. 8, [0076-80]; Figs. 5A-E), where the system is able (or configured) to identify each speaker and corresponding speaker portion (see pg. 3, [0027]; pgs. 6-7, [0064-0065]);

determining which mobile telephone devices (106) did not participate in the conference call (see pg. 7, [0071]);

transferring the recorded conference call to a voicemail server (e.g., AIRS) (see pg. 3, [0028-0030]; pg. 7-8, [0072]), where the system records and stores audio files for retrieval, and

copying the recorded conference call to a mailbox of the mobile telephone device users that did not participate in the conference call (see pgs. 3-4, [0034]; pg. 7-8, [0072]), where the member can be prompted to retrieve the conversation, access conversations via a member account on a web page, and/or the conversation can be sent via an email attachment to a member mailbox (or inbox); and

composing and sending a short message service (SMS) notification of a voice mail message to the mobile telephone devices (106) that did not participate in the conference call, the mobile telephone devices being able to listen to the recorded conference call in their associated mailbox at anytime (see pg. 7-8, [0072-0073]), where a prompt is provided for missed conversations and the member can retrieve the conversation, access conversations via

a member account on a web page, and/or the conversation can be sent via an email attachment to a member mailbox (or inbox) (see pgs. 3-4, [0034]). Wolff inexplicitly discloses having the feature(s) sending a short message service (SMS) notification of a voice mail message. However, the examiner maintains that the feature(s) sending a short message service (SMS) notification of a voice mail message was well known in the art, as taught by Urs.

In the same field of endeavor, Urs at the least discloses the feature(s) sending a short message service (SMS) notification of a voice mail message (see col. 6, lines 29-42), where the system provides a voice mail alert in SMS format.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wolff and Urs to have the feature(s) sending a short message service (SMS) notification of a voice mail message, in order a method and apparatus for providing voice mail service in a dispatch radio communication system that includes a dispatch processor and a voice mail system, as taught by Urs (see col. 2, lines 41-44).

Regarding **claim 2**, Wolff discloses within the infrastructure of a mobile telephone network (100), a system for storing and forwarding the content of a conference call (see pg. 2, [0018-0019]; Fig. 1) comprising:

in response to a request by a group member, means for initiating a conference call on the mobile telephone network among a specified group of mobile telephone devices (106) (see pg. 2, [0023]);

means for recording the conference call within the network infrastructure of the mobile

telephone network used to broadcast the conference call in response to a signal from the group member (see pg. 2, [0018-0019]; pg. 5, [0046-0048,0051]; Fig. 3), where the monitors and records communications between members of a group;

means for storing the conference call on a storage medium within the network infrastructure used to broadcast the conference call (see pg. 2, [0018-0019]; pg. 4, [0039]; pg. 5, [0047]; Fig. 3),

the conference call being stored as a series of short monologues (e.g., portions), one monologue for each change of speaker (see pg. 8, [0076-80]; Figs. 5A-E), where the system is able (or configured) to identify each speaker and corresponding speaker portion (see pg. 3, [0027]; pgs. 6-7, [0064-0065]);

means for determining which mobile telephone devices (106) did not participate in the conference call (see pg. 7, [0071]);

means for transferring the recorded conference call to a voicemail server (e.g., AIRS) (see pg. 3, [0028-0030]; pg. 7-8, [0072]), where the system records and stores audio files for retrieval and

copying the recorded conference call to a mailbox of the mobile telephone device user's that did not participate in the conference call (see pgs. 3-4, [0034]; pg. 7-8, [0072]), where the member can be prompted to retrieve the conversation, access conversations via a member account on a web page, and/or the conversation can be sent via an email attachment to a member mailbox (or inbox); and

means for composing and sending a short message service (SMS) notification of a voice mail message to the mobile telephone devices (106) that did not participate in the conference

call, the mobile telephone devices being able to listen to the recorded conference call in their associated mailbox at anytime (see pg. 7-8, [0072-0073]), where a prompt is provided for missed conversations and the member can retrieve the conversation, access conversations via a member account on a web page, and/or the conversation can be sent via an email attachment to a member mailbox (or inbox) (see pgs. 3-4, [0034]). Wolff inexplicitly discloses having the feature(s) sending a short message service (SMS) notification of a voice mail message. However, the examiner maintains that the feature(s) sending a short message service (SMS) notification of a voice mail message was well known in the art, as taught by Urs.

Urs at the least further discloses the feature(s) sending a short message service (SMS) notification of a voice mail message (see col. 6, lines 29-42), where the system provides a voice mail alert in SMS format.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wolff and Urs to have the feature(s) sending a short message service (SMS) notification of a voice mail message, in order a method and apparatus for providing voice mail service in a dispatch radio communication system that includes a dispatch processor and a voice mail system, as taught by Urs (see col. 2, lines 41-44).

Regarding **claim 3**, Wolff discloses within the infrastructure of a mobile telephone network (100), an apparatus comprising a computer readable storage medium with computer program instructions embodied therein for storing and forwarding the content of a conference call, the computer program instructions when executed causing a processing device to



perform (see pg. 2, [0018-0019]; Fig. 1):

in response to a request by a group member, initiating a conference call on the mobile telephone network among a specified group of mobile telephone devices (106) (see pg. 2, [0023]);

recording the conference call within the network infrastructure of the mobile telephone network used to broadcast the conference call in response to a signal from the group member (see pg. 2, [0018-0019]; pg. 5, [0046-0048,0051]; Fig. 3), where the monitors and records communications between members of a group;

storing the conference call on a storage medium within the network infrastructure used to broadcast the conference call (see pg. 2, [0018-0019]; pg. 4, [0039]; pg. 5, [0047]; Fig. 3),

the conference call being stored as a series of short monologues (e.g., portions), one monologue for each change of speaker (see pg. 8, [0076-80]; Figs. 5A-E), where the system is able (or configured) to identify each speaker and corresponding speaker portion (see pg. 3, [0027]; pgs. 6-7, [0064-0065]);

determining which mobile telephone devices (106) did not participate in the conference call (see pg. 7, [0071]);

transferring the recorded conference call to a voicemail server (e.g., AIRS) (see pg. 3, [0028-0030]; pg. 7-8, [0072]), where the system records and stores audio files for retrieval and

copying the recorded conference call to a mailbox of the mobile telephone device user's that did not participate in the conference call (see pgs. 3-4, [0034]; pg. 7-8, [0072]), where the member can be prompted to retrieve the conversation, access conversations via a member

account on a web page, and/or the conversation can be sent via an email attachment to a member mailbox (or inbox); and

composing and sending a short message service (SMS) notification of a voice mail message to the mobile telephone devices (106) that did not participate in the conference call, the mobile telephone devices being able to listen to the recorded conference call in their associated mailbox at anytime (see pg. 7-8, [0072-0073]), where a prompt is provided for missed conversations and the member can retrieve the conversation, access conversations via a member account on a web page, and/or the conversation can be sent via an email attachment to a member mailbox (or inbox) (see pgs. 3-4, [0034]). Wolff inexplicitly discloses having the feature(s) sending a short message service (SMS) notification of a voice mail message. However, the examiner maintains that the feature(s) sending a short message service (SMS) notification of a voice mail message was well known in the art, as taught by Urs.

Urs at the least further discloses the feature(s) sending a short message service (SMS) notification of a voice mail message (see col. 6, lines 29-42), where the system provides a voice mail alert in SMS format.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wolff and Urs to have the feature(s) sending a short message service (SMS) notification of a voice mail message, in order a method and apparatus for providing voice mail service in a dispatch radio communication system that includes a dispatch processor and a voice mail system, as taught by Urs (see col. 2, lines 41-44).

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,Jr/

WJD,Jr  
19 January 2009

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617